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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Eighth periodic reports of States parties due in 1991

Addendum

QATAR*

[26 August 1992]

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* For the sixth and seventh periodic reports submitted by the Government of Qatar and the summary records of the meetings at which such reports were considered, see:

Sixth periodic report - CERD/C/156/Add.2 (CERD/C/SR.874);
Seventh periodic report - CERD/C/182/Add.1 (CERD/C/SR.874).

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PART I. GENERAL

1. The State of Qatar is an independent, sovereign Arab and Muslim State in which the Islamic Shariah is the principal source of legislation. It is well known that the provisions of the Islamic Shariah are derived from God's Holy Book (the Koran), as revealed to his Prophet, and from the sayings and acts of the Prophet. Islamic jurists seek principles of law initially in the Holy Koran and, if a relevant provision is not found therein, they then seek it in the Sunna (practice) of the Prophet, in which the general provisions of the Holy Koran are explained in greater detail.

2. The Holy Koran explicitly stipulates that all persons are equal and no one has a higher standing by virtue of sex, race or colour since, in the sight of God, a person's standing is determined by his piety ("In the sight of God, the noblest among you are the most pious").

3. This concept is emphasized and explained in greater detail in a hadith (tradition) of the Prophet in which he affirmed that "All persons are equal, like the teeth of a comb, and there is no superiority of Arab over non-Arab, or white over black, or of brown over white, except in terms of their piety".

4. These principles of non-discrimination, as set forth in God's Holy Book, were therefore advocated and practised by the Prophet, as recorded in the sunna. Islamic history contains numerous accounts and reports of non-Arab companions of the Prophet, including white, brown and black, who held high office in the Islamic State and commanded Muslim armies.

5. Article 9 of the Amended Provisional Constitution of the State of Qatar embodies the principle that all persons are equal in regard to their rights and obligations, without distinction as to race, sex or religion. This provision is derived from the teachings of the Holy Koran and the Sunna of the Prophet, in accordance with article 1 of the Amended Provisional Constitution which stipulates that the Islamic Shariah is the principal source of legislation. It is inconceivable that the State would promulgate any legislation permitting discrimination among persons in regard to their rights and obligations on grounds of race, sex or religion, since any act of this nature would be illegal and invalid due to its violation of the provisions of the Islamic Shariah and the stipulations contained in the Amended Provisional Constitution.

6. In short, racial discrimination is prohibited in the State of Qatar under the provisions of the Islamic Shariah, which constitutes the principal source of legislation, as stipulated in the Amended Provisional Constitution of the State.

7. The Amended Provisional Constitution does not merely recognize equality and prohibit discrimination among persons, as already indicated (article 9); in article 5, it also affirms the State's belief in the principles contained in the Charter of the United Nations. As everyone knows, in the Preamble to the Charter, the peoples of the United Nations reaffirm their faith in fundamental human rights and in the dignity of the human person, and the provisions of the Charter also emphasize the need for respect for human rights and freedoms, without distinction on grounds of sex, language or religion.

8. The purposes and principles concerning non-discrimination on grounds of sex, race or religion, as set forth in the Charter of the United Nations, are also embodied in the provisions of the Amended Provisional Constitution. Accordingly, on 23 July 1976, the State of Qatar acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, which it ratified on 21 August 1976. The State of Qatar also acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid on 18 July 1976.

9. Following the State's accession to those two conventions, they acquired the binding force of domestic law and must be applied by the courts in the event of the occurrence in the country of any acts which violate their provisions. This is in accordance with article 24 of the Amended Provisional Constitution, which stipulates that all treaties acquire the force of law following their signature and ratification. In this connection, it should be noted that, under article 10 of the Amended Provisional Constitution, the courts are not empowered to impose a criminal penalty for an act of discrimination unless such act is legally designated as an offence. However, the courts can award compensation for damages arising from an act of racial discrimination by invoking the provisions of article 4 of the Civil and Commercial Code of 1971 under which they are empowered to apply the principles of the Islamic Shari'a in the absence of any legislative provision or customary practice that can be applied in the matter at issue.

10. Nevertheless, the Shariah courts, which are competent to hear criminal and civil cases in accordance with the provisions of the Islamic Shariah, can impose a discretionary punishment for an act involving racial discrimination or segregation. In this connection, it should be noted that, unlike positive law, the provisions of the Islamic Shariah are not codified in legislative texts. The Islamic judge therefore seeks a pertinent legal provision in the Holy Koran, the Sunna of the Prophet, previous court rulings and the legal opinions of jurists, and the judge may also exercise his own juristic reasoning if a case is brought before him in which he does not find a ruling in the Holy Koran, the Sunna of the Prophet or previous judgements of Islamic courts. Consequently, the legal principle recognized in criminal jurisprudence, to the effect that there is no crime or punishment outside the limits defined by law, cannot be applied by the Shariah courts, which are bound by the traditional principle of Islamic law "There shall be no damage and no mutual infliction of damage", i.e. the Shariah courts can punish the perpetrator of any act that causes legally inadmissible damage and can also award compensation in respect thereof.

11. Accordingly, any victim of an act of racial discrimination can apply to the civil courts for compensation or, alternatively, can apply to the Shariah courts for punishment of the guilty party and payment of compensation.

12. In view of the fact that the Amended Provisional Constitution and the provisions of the Islamic Shariah prohibit discrimination on grounds of sex, race or religion, that the civil and Shariah courts are empowered to award compensation and impose punishment on any person who commits an act of racial discrimination and that everyone has a recognized right to apply to the civil and Shariah courts to remedy any damage suffered by any individual as a result of the commission of any act of racial discrimination, the State of Qatar has not found it necessary to promulgate legislation prohibiting acts of racial

discrimination, particularly since such offences are unknown in Qatari society. We see no point in promulgating legislation to prohibit an act which is unknown in Qatari society and which is not committed by any of its members, who follow the teachings of Islam under which, in the sight of God, the noblest are the most pious and all persons are equal, like the teeth of a comb, there being no superiority of Arab over non-Arab or of white over black, or brown over white, except in terms of their piety.

13. In its internal policy, the State of Qatar is committed to the prohibition of racial discrimination in keeping with its Amended Provisional Constitution, the provisions of the Islamic Shari'a and its belief in the principles embodied in the Charter of the United Nations and the International Convention on the Elimination of all Forms of Racial Discrimination. In its foreign policy, the State has also resolutely opposed racial discrimination and, to that end, promulgated Legislative Decree No. 2 of 1967 providing for an economic boycott of Southern Rhodesia, Decree No. 130 of 1973 suspending the export of Qatari petroleum to South Africa and Portugal, and Decree No. 140 of 1973 severing all economic, trade and cultural relations with South Africa, Portugal and Rhodesia.

14. With regard to the demographic composition of the population, the census conducted in 1986 showed that the country's population amounted to 369,079 persons, including the members of foreign communities needed for the country's socio-economic development plans. These foreign communities consist of Asians from India, Pakistan, Afghanistan, Iran, Thailand, the Philippines, Japan and China, Africans from Arab and non-Arab countries and Europeans from Great Britain, France, Germany, Italy, Greece and other countries.

PART II. INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

15. Under this article, States parties condemn racial discrimination and undertake to pursue by all appropriate means a policy of eliminating racial discrimination in all its forms. The State of Qatar has consistently deplored the policy of racial discrimination which is being pursued by some States. However, it has not taken any legislative, judicial, administrative or other measures to apply any of the provisions of this article in view of the fact that such offences do not occur in Qatari society, as can be seen from the following:

(a) Neither the State of Qatar nor any agency, body or institution belonging thereto engages in any act of racial discrimination or racial segration against any person or group of persons. In fact, this type of behaviour is unknown in Qatari society and no person or group of persons, regardless of their colour, nationality or religion or whether they are nationals or foreigners, have complained of such offences in Qatar;

(b) No person, organization or institution in the State of Qatar practises any act of racial discrimination or encourages or supports any activity of this type. The State disapproves of this type of activity, since it is incompatible with the Constitution, particularly articles 1, 7 and 9 thereof, and also with the provisions of the Islamic Shariah;

(c) Qatar has no laws or regulations that permit the practice of any act of racial discrimination. In fact, the State has never promulgated this type of legislation or regulations, since such acts, by their very nature, are incompatible with the teachings of its noble Islamic religion and the moral principles and ideals in which it believes;

(d) The State of Qatar has not promulgated any special legislation to prohibit and punish acts of racial discrimination or segregation. The provisions of the Amended Constitution and the Islamic Shariah, which totally prohibit such offences and practices, are regarded as adequate, particularly in view of Qatar's accession to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid;

(e) There are no integrationist multiracial organizations or movements in the State of Qatar, nor are there any barriers between races of any type or form whatsoever;

(f) In the State of Qatar, there are no backward racial groups that require the adoption of special provisional preferential measures to enable them to enjoy their human rights and fundamental freedoms in economic, social, cultural and political fields. Accordingly, the State has not taken any measures in this regard.

Article 3

16. The State of Qatar has not taken any legislative, administrative, judicial or other measures to implement any of the provisions of this article or to ensure compliance therewith in view of the fact that Qatari society is basically free from all the offences of racial discrimination referred to in this article, as can be seen from the following:

(a) No offence of racial discrimination or apartheid is committed anywhere in the territory of the State of Qatar. No practice of this type, which might require suppression, prohibition, elimination or other measures, exists in any part of the State;

(b) The State of Qatar has not maintained any diplomatic or economic relations with the racist regime in South Africa since the severance of economic relations with that regime under the terms of Legislative Decree No. 2 of 1967 and the suspension of the export of petroleum to that country under the terms of Decree No. 130 and Decree No. 140 of 1973.

Article 4

17. The State of Qatar has not taken any legislative, administrative, judicial or other measures to implement any of the provisions of this article or to ensure compliance therewith in view of the fact that Qatari society is basically free from all the acts and offences of racism and racial segregation referred to in this article, as can be seen from the following:

(a) No person, group of persons or governmental or non-governmental institution in Qatar engages in any propaganda or acts aimed at inciting any form of racial discrimination or racial hatred;

(b) No person, group of persons or governmental or non-governmental institution, body or agency in Qatar incites, promotes, finances, propagates, disseminates or participates in the incitement, promotion, financing, propagation or dissemination of any ideas based on claims to racial superiority or racial hatred. Likewise, no person engages in any act of violence or incitement to such acts against any individual, group or institution of any race, sex, colour or ethnic origin, and Qatari society is in no way afflicted with any of these offences;

(c) In Qatar, there are no organizations or organized or other propaganda activities that support, incite, advocate, finance or in any way assist in racial discrimination. Consequently, the State has not taken any measures to prohibit or declare punishable the establishment of such organizations or membership thereof;

(d) The national and local public authorities and public institutions do not practise, support, promote or incite any act of racial discrimination. Consequently, the State has not taken any measures to prohibit such offences since they do not exist in its territory;

(e) The State of Qatar declares that it has not promulgated any special legislation under which acts of racial discrimination and racial segregation are declared illegal and punishable, since the provisions of the Amended Provisional Constitution of the State of Qatar, particularly articles 1, 7 and 15 thereof, and the provisions of the Islamic Shariah and the Penal Code of Qatar (Act No. 14 of 1971) are regarded as sufficient in this regard, especially in view of the fact that acts of racial discrimination are declared illegal in the articles of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, which became part of the domestic law of the State of Qatar after its accession thereto. In fact, application can be made to the secular courts for compensation in respect of such acts, which the Shariah courts operating in Qatar can also punish with one of the legally stipulated penalties, ranging from a reprimand to imprisonment and even execution at the discretion of the judge in the light of the circumstances, magnitude and seriousness of the incident or offence brought before him.

Article 5

18. The State of Qatar has not taken any legislative, administrative, judicial or other measures to implement any of the provisions of this article or to ensure compliance therewith in view of the fact that Qatari society is basically free from any discrimination among its population in regard to enjoyment of the civil, economic and political rights referred to in that article on grounds of colour, race, sex, ethnic origin or any other aspect of racial discrimination or racial segregation. All persons are permitted to exercise these rights on an equal footing, as can be seen from the following:

(a) The right to equal treatment before the tribunals and other organs administering justice is enjoyed by the whole population. Any person can apply to the civil courts to uphold his rights and enforce judgements delivered in his favour, without any discrimination. Persons accused of

felonies, misdemeanours or infractions are prosecuted before the secular criminal courts, the civil jurisdiction of which is shared by the Shariah courts if the plaintiff wishes to bring civil proceedings before them. This also applies to criminal proceedings in respect of some offences in which the accused is a Muslim. Criminal proceedings are heard by the civil courts in accordance with the Code of Civil Procedure, by the criminal courts in accordance with the Code of Criminal Procedure, and by the Shariah courts in accordance with the provisions of the Islamic Shariah. All these legal systems guarantee the litigants the right to legal redress, equality of treatment and other legal safeguards without any discrimination whatsoever on grounds of colour, sex, nationality or ethnic origin;

(b) With regard to the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution, all residents enjoy security, tranquillity and stability in the territory of Qatar, and the wide variety of different colours, nationalities and religions encountered in the country are living a life of perfectly peaceful coexistence based on mutual respect and close cooperation. No violence or harm is inflicted on any resident by government officials or any other persons;

(c) With regard to political rights, including the right to vote and stand as a candidate in elections and the right to take part in the conduct of public affairs and to have access to public office, all citizens of Qatar enjoy these rights on an equal footing, without discrimination on grounds of colour, sex, nationality, racial or ethnic origin or any other consideration. However, naturalized citizens of Qatar do not enjoy the same rights as Qataris in regard to the holding of public office and to work in general until five years after the date of their naturalization and they are not entitled to exercise the right to vote or stand as a candidate for election to membership of any parliamentary body until 10 years after the date of their naturalization. The children of naturalized citizens are regarded as Qataris from the time of their birth and they enjoy all political and other rights on an equal footing with Qataris born to a Qatari-born father or a father naturalized between 1930 and the date of promulgation of the Nationality Act of 3 April 1961 (articles 1, 2, 3, 6 and 8 of the Qatari Nationality Act No. 2 of 1961, as amended);

(d) The right to freedom of movement and residence within the borders of the State is guaranteed to all persons without distinction. In the case of non-Qataris, residence permits, valid for a renewable period of up to three years and without any limit on the number of renewals, must be stamped in their passports. A very large number of non-Qataris have been living in Qatar for long periods of 25 to 35 years and have no desire to return to their countries of origin in view of the comfortable life and the security, tranquillity, social harmony and stability that they enjoy in the territory of Qatar;

(e) The right to leave and return to the country is enjoyed by all persons, without any discrimination, provided that their residence permits remain valid. To leave the country, a foreigner merely requires an exit visa from the Passports, Migration and Nationality Department, which is issued only on submission of a declaration of sponsorship by a reputable person, normally his employer, who assumes liability for any debts that might be claimed by

creditors after his departure from the country, in accordance with Act No. 3 of 1984 regulating sponsorship of the residence and departure of foreigners. The only requirement for the foreigner's return to Qatar is that his residence permit must still be valid. In the case of a person wishing to enter Qatar for the first time or not possessing a residence permit, an entry visa valid for work, a visit or other purposes must be obtained in accordance with Act No. 3 of 1963 regulating the entry and residence of foreigners in Qatar;

(f) With regard to the right to acquisition of nationality, Qatari, nationality may be granted, by decree, to any adult foreigner who has entered the country legally and who has been normally resident therein, with the members of his family, for a period of not less than 20 consecutive years prior to the date of submission of the application for naturalization, or 15 consecutive years if the applicant is an Arab citizen of an Arab country, in accordance with the provisions of the Qatari Nationality Act No. 2 of 1961, as amended. A foreign woman acquires Qatari nationality if she has married a Qatari by birth or by naturalization, provided that the matrimonial relationship continues for a period of two years from the date of declaration of her wish to acquire Qatari nationality and the submission of this declaration to the Minister of the Interior in accordance with the provisions of Act No. 2 of 1961, as amended. Qatari nationality may be restored, by decree, to a Qatari who has left the country to earn a living in a neighbouring country, whose nationality he has acquired, on the basis of an application submitted to the competent authority together with documents substantiating the following:

(i) The date of his departure from Qatar to live in the neighbouring country;

(ii) The duration of his residence in that country;

(iii) The nationality that he acquired during the period of his residence outside Qatar (with a declaration of renunciation thereof);

(iv) The occupation that he is capable of exercising.

Such restoration takes immediate effect from the date of approval of the restoration of nationality and the promulgation of a decree to that end, but it does not have retroactive effect even if the restored nationality is the original nationality by naturalization or birth to a Qatari father as opposed to an incidental nationality acquired by naturalization or other means (article 7 of the above-mentioned Nationality Act);

(g) With regard to the right to freedom of thought, conscience and religion, the right to freedom of peaceful assembly and association, the right to housing, the right to public health, medical care, social security and social services, the right to education and training, the right to participation in cultural activities and the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks, all these rights are guaranteed in Qatar to men and women, nationals, foreigners and immigrants, Muslims and non-Muslims, on an equal footing within the limits of Islamic customs and traditions;

(h) All residents enjoy the right to own property alone as well as in association with others, within the limits of the provisions of the Islamic Shariah, the positive law and international conventions governing the participation of foreign capital with Qatari capital in internal commerce, import and export, contracting, industry, agriculture and the ownership of real estate. It is noteworthy that, as a general rule, foreigners are not permitted to own real estate in Qatar on any grounds whatsoever, except within the limits and in accordance with the circumstances, restrictions and conditions specified in Act No. 5 of 1963 concerning the prohibition of the acquisition by foreigners of the ownership of fixed assets in Qatar, Act No. 24 of 1964 regulating the registration of real estate, and Act No. 1 of 1980 regulating the ownership by foreign missions of real estate in the State of Qatar. A mission is permitted to own real estate covering an area of not more than 4,500 m^2 within the limits of the city of Doha, provided that it is used as premises for a diplomatic or consular mission or as the residence of the head of the mission, subject to reciprocal treatment. The Government is in the process of amending this legislation and preparing new legislation to supplement its provisions;

(i) The right to inheritance is guaranteed to Qataris, all of whom are Muslims, in accordance with the provisions of the Islamic Shariah. In the case of non-Qataris, the governing law is that applicable in the country of which the deceased was a national. Accordingly, there is no discrimination in regard to the rules of inheritance on racial grounds;

(j) With regard to the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, and to just and favourable remuneration on separation from service, all nationals and persons legally resident in Qatar enjoy the right to work commensurate with their qualifications and/or experience, as well as the right to free choice of employment and the freedom to transfer from one employer to another. It is prohibited to employ children under the age of 12 in any form of work whatsoever. However, a foreign worker is not entitled to change his job or to transfer from one employer to another without the approval of the original employer and the Minister of the Interior, since it had been observed that, after their entry into the country and after the original employer had incurred considerable expenses in their recruitment and in the provision of appropriate housing for their accommodation, many foreign workers have left his employ to work for another employer offering higher wages before the end of the period stipulated in their contracts and without giving prior notice or a valid reason, thereby disrupting the work in a considerable number of private institutions and causing them severe damage, which could also have an effect on the national income as a result of the disruption of work in those institutions. Every worker who takes up employment receives an appropriate wage that fully covers his living expenses and leaves a balance that he can save for the future. Workers receive equal pay for equal work and every worker who is separated after serving for a continuous period of not less than one year is entitled to an adequate termination-of-service indemnity, provided that he has not committed an act that renders him liable to the forfeiture thereof. With regard to protection against unemployment, Qatar does not have a social insurance scheme to safeguard workers against the risks of death, disability or unemployment, although it does have a social security scheme, which is restricted to Qataris, in accordance with Act No. 9 of 1963 concerning the

organization of social security, which makes provision for the establishment of employment offices at the Ministry of Labour and Social Affairs to help unemployed persons to find work, to help employed persons to find better work and, if necessary, to assist employers in their search for the labour that they require (articles 5, 10, 11, 12, 13, 20, 24 and 25 of the Labour Act No. 3 of 1962, as amended);

(k) As a general rule, the exercise of economic rights, such as the right to engage in trade, contracting, import and export, commercial agency and similar activities, is restricted to Qataris. Non-Qataris are permitted to share in these rights only in exceptional circumstances and in fields of economic development in which such is permitted under the laws in force in the State of Qatar (such as Act No. 25 of 1990, concerning the participation of non-Qatari capital in economic activity). Provided that they have a reputable Qatari sponsor, foreigners are permitted to practise minor manual trades such as that of tailor, hairdresser, metalworker, tinsmith, upholsterer, repairman, carpenter and butcher, as well as other trades that are regulated by decision of the Minister for the Economy and Commerce in consultation with the Minister for Labour and Social Affairs (article 4 of Act No. 25 of 1990). Foreigners are allowed to participate in major commercial, industrial, agricultural and service projects, provided that not less than 51 per cent of the capital is owned by Qatari partners and that the partnership was formed in accordance with the provisions of the Commercial Companies Act (art. 1 of Legislative Decree No. 25 of 1990). It goes without saying that this distinction between nationals and foreigners does not constitute racial discrimination, since it is a legitimate distinction. It is not incompatible with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination or with the obligations of States specified therein, for the reasons detailed in our fifth, sixth and seventh periodic reports, which can be summarized as follows:

(i) This distinction is made necessary by the exigencies of the country's current stage of economic development. These exigencies, which relate to the higher interests of the country, undoubtedly entitle the State to take the measures that it deems necessary to protect the national economy and savings. The principal and most urgent measures restrict the ownership of fixed assets, limit engagement in trade, industry, importation, services and commercial agency activities and the pharmaceutical and other liberal professions to nationals of Qatar and prohibit the participation of foreigners in these vital economic spheres, except to the extent compatible with the higher interests of the country;

(ii) This distinction is applied in all developing countries passing through stages of economic development similar to our own. These countries constitute an overwhelming majority of the international community. This distinction accordingly constitutes an acceptable procedure in international practice in this respect, quite apart from the principle of public international law which regards the protection of the higher interests of the State as the primary duty and principal right deriving from the territorial sovereignty of the State;

(iii) The fact that a distinction between the economic rights of nationals and those of foreigners, as stipulated in the economic legislation in force in the State of Qatar, is not of a racial nature and does not constitute an act of racial discrimination, segregation or exclusion, but is, rather, an admissible distinction, is clearly implied in the letter and spirit of the provisions of the said Convention, particularly in view of the following:

(a) Article 1, paragraph 2, of the Convention clearly stipulates that the provisions of the Convention "shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens". Any State party to this Convention is thus entitled to make a distinction between citizens and non-citizens in economic and other fields, and the freedom of the State in this respect is not subject to any restriction or condition;

(b) For the purposes of the Convention, racial discrimination means any distinction in regard to rights, duties or opportunities, between individuals or groups on the basis of race, colour, descent, religion, belief or national or ethnic origin;

The distinction applied in Qatar in regard to the economic rights of citizens and non-citizens is not based on race, colour or any of the other above-mentioned aspects of racial discrimination. It is, rather, based on the exigencies of economic development, the economic, social and geographical situation of the State and the prior right of citizens to the national wealth of their country. It is therefore an admissible non-racial distinction which does not violate the provisions of the said Convention;

(1) As mentioned in our third and fourth reports, the right to form trade unions is not exercised in the country at the present time due to the fact that our projects, companies and institutions are still in the early stages of their development and in view of the prevailing feeling among workers that there is no need for such unions, whose functions are adequately discharged by the consultative committees for the promotion of co-operation between employers and employees and by the committees for the settlement of disputes arising between the two parties. Since the right to strike and engage in collective bargaining is basically linked to the establishment of trade unions and workers' associations, this right is not currently exercised in the country. Needless to say, the current provisions of the Labour Act governing the consultative committees and the committees for the settlement of disputes (articles 66 and 67) apply to foreign workers in the same way as nationals, without distinction or discrimination based on sex, colour, religion, creed, belief, ethnic origin or any other aspect of racial discrimination. With a view to the achievement, in the best possible manner, of the fundamental objective in forming trade unions and workers' associations, namely the protection and defence of workers' rights, the State has adopted an approach which might offer a more effective guarantee of the achievement of this objective than authorization to form such unions and associations. This was done, in 1962, through the establishment of a Labour Court which specializes in affairs and matters of concern to workers and is solely competent to issue rulings in disputes that arise between them and

their employers. The said Court enjoys full judicial immunity and complete independence and therefore has absolute freedom to issue its rulings in accordance with the law and the requirements of justice and equity. The said specialized Court was established under the provisions of Act No. 4 of 1962, article 17 of which explicitly stipulates that: "The judge of the Labour Court shall be independent and, in his administration of justice, shall be subject to no authority other than that of the law in accordance with which his rulings shall be issued and implemented". Cases are brought before, and heard by, the Court in accordance with its Code of Procedure, promulgated under Act No. 5 of 1962, which contains ample safeguards, measures, procedures and regulations to ensure the triumph of justice, the recognition and enjoyment of legitimate rights and the speedy and smooth enforcement of legal rulings. It may be said that, through its adoption of this integrated system, the State of Qatar is one of the few countries in the world which, more than 20 years ago, established a special judicial body for labour affairs.

Article 6

19. Under this article, each State party undertakes to ensure that every person whose human rights or fundamental freedoms are violated by any act of racial discrimination enjoys the right to seek from the courts of law and other judicial bodies just and adequate reparation or satisfaction for any damage suffered as a result of such acts.

20. The State has not taken any legislative, judicial or administrative measures to implement the provisions of this article or to ensure compliance therewith in view of the adequacy of the present legal system under which any person who suffers material or moral injury or damage as a result of a prejudicial act committed against him, regardless of whether such prejudicial act constitutes a crime of racial discrimination or racial segregation, has the right to apply to the secular or Shariah courts, at his discretion, for just compensation appropriate to the damage that he has suffered. Such compensation is normally assessed at the amount of material or moral loss or damage suffered and the extent of any lost earnings, in accordance with articles 58, 67, 72 and 73 of the Civil and Commercial Code of Qatar, promulgated in Act No. 16 of 1971.

Article 7

21. Under this article, each State party undertakes to combat prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and groups, particularly in the fields of teaching, education, culture and information, as well as to propagate the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

22. The State of Qatar has not taken legislative, administrative, judicial or other steps or measures to fulfil these obligations or ensure compliance therewith, since none of the racial prejudices referred to in the text exist in its territory and in view of the adequate manner in which acts of racial discrimination are condemned and in which the Charter of the United Nations and the Universal Declaration of Human Rights are commended in school

syllabuses and information programmes and also in the addresses delivered by His Highness the Amir before the Advisory Council at its regular annual sessions and on various other occasions on radio and television and through the press and other media.

23. As already mentioned in our fifth, sixth and seventh reports, governmental and public schools in the State of Qatar, which are open to nationals and foreigners, provide educational instruction in which acts of racial discrimination are condemned as incompatible with the teachings of Islam, the official religion of the country, and inconsistent with the provisions of the noble Islamic Shariah. As stated in those reports, our press and information media take every opportunity to expose and deplore crimes of racial discrimination. Numerous programmes to commemorate international days are broadcast and published by radio, television, the press and other media. Furthermore, in all of his political statements, particularly those made before the Advisory Council of our country, the Amir of the State personally condemns acts of racial discrimination and commends the principles which are advocated by the Charter and resolutions of the United Nations, the Universal Declaration of Human Rights and the Commission on Human Rights and which call for measures to combat acts of racial discrimination. Such statements, printed in the form of pamphlets, are distributed to embassies and brought to the attention of the public through the various information media.

24. The full printed text of the series of statements and addresses delivered by the Amir during the period from 1971 to 1982 is attached to this report. 1/ These statements and addresses include:

(a) The text of the Amir's message on the occasion of the achievement of independence by the State of Qatar on 3 September 1971, affirming the State's commitment to the purposes and principles of the Charter of the United Nations and its acceptance of the obligations specified therein;

(b) The text of statements made by the Amir at the opening meetings of the regular annual sessions of the Advisory Council, especially the fourth, sixth and seventh sessions, on 16 December 1975, 29 November 1977 and 2 November 1978 respectively, affirming the State's commitment to the purposes and principles of the Charter of the United Nations and, in particular, the right of peoples to self-determination, freedom, independence, sovereignty over their national wealth and the utilization of their natural resources in the manner that they deem conducive to the promotion of their development and the furtherance of their interests, and support for every struggle aimed at the elimination of all forms of colonialism and the cessation of all types and forms of racial discrimination and segregation;

(c) The text of two messages from the Amir to the General Assembly of the United Nations, on the occasion of the International Day of Solidarity with the Palestinian People on 29 November 1978 and 1979, in which he appealed to all the leaders in the world and, in particular, the leaders of the super-Powers, to use all ways and means to combat racist Zionist occupation

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1/ These documents may be consulted in the files of the Centre for Human Rights in the language of submission (Arabic).

practices aimed at the displacement and destruction of the Palestinian people, the usurpation of their land and the violation of their legitimate right to self-determination and to the establishment of their free and independent sovereign State in their land; to put an end to Israel's persistent defiance of the unanimous will of the international community, which firmly believes in the justice of the Palestinian cause; to remove this horrendous racist blot from the history of modern civilization; and to eradicate the odious forms of racial segregation that it represents.

25. As already indicated, the State has not taken any legislative, administrative, judicial or other measures to prohibit and punish acts of racial discrimination and segregation as such, in view of the adequacy of the provisions of the Amended Provisional Constitution of the State of Qatar and the stipulations contained in the Islamic Shariah, the Civil Code, the Penal Code and other legislative acts in force in the country, which make such additional measures unnecessary.

26. Nevertheless, the State of Qatar wishes to reaffirm its willingness, as already expressed in its fourth periodic report, to consider promulgating internal legislation in the light of model legislation which, as it has suggested, could be formulated by the Committee on the Elimination of Racial Discrimination with a view to ensuring the standardization of such legislation and facilitating reciprocal arrangements among States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid for the extradition of criminals accused of such crimes.

PART III. THE COMMITTEE'S REQUESTS FOR ADDITIONAL INFORMATION

27. These requests for information were made by the Committee in its comments on the fifth, sixth and seventh periodic reports. The replies are as follows:

(1) How can a person who is a victim of racial discrimination bring proceedings before the courts?

28. The civil courts in Qatar apply the legal principle that there is no crime or punishment except as defined by law. Although no legislation under which acts of racial discrimination are punishable has yet been promulgated, such acts constitute violations of the country's law in view of the fact that the State of Qatar has acceded to both the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid which, as already indicated in part I of this report, form part of the country's domestic law in accordance with article 24 of the Amended Provisional Constitution.

29. Although the civil courts in the State of Qatar are not empowered to impose punishment for acts of racial discrimination in the absence of legislation prohibiting such acts, they can award compensation in respect of the damage resulting from acts of racial discrimination and any person who is a victim of such acts may apply to the civil courts for compensation in respect of the damage resulting therefrom. Accordingly, although acts of

racial discrimination, if they occurred, would not constitute punishable criminal offences, they would be regarded as illegal acts in respect of which the civil courts would be obliged to award compensation.

30. However, the Shariah courts in the State of Qatar, which apply the Islamic Shariah (an unwritten law), can impose discretionary punishment for acts of racial discrimination in view of the fact that such acts violate the provisions of the Islamic Shariah and, as such, are punishable. Consequently, any person who is a victim of acts of racial discrimination may apply to the Shariah courts for punishment of the offender and, if he so wishes, may also apply to the civil courts for compensation in respect of the damage suffered. Under the legal system of the State of Qatar, any person who is a victim of racist acts therefore has the right to seek legal redress through punishment of the offender and compensation in respect of the damage resulting from such acts.

31. As already explained in part I of this report, acts of racial discrimination are unknown in Qatari society, in which the rights of both nationals and foreigners are guaranteed without any discrimination on grounds of colour, sex, race or religion. These rights are set forth in the Amended Provisional Constitution. The death penalty has never been imposed for acts of racial discrimination, since no punishable offence of racial discrimination meriting such punishment has ever been committed in Qatar.

32. As stipulated in the Amended Provisional Constitution, the Islamic Shariah is the principal source of legislation in the State of Qatar. Legislation in the field of positive law must not conflict with the provisions of the Islamic Shariah derived from the Holy Koran, the attested Sunna (practice) of the Prophet, the consensus of the Muslim community and the legal reasoning and opinions of Islamic jurists. The Islamic Shariah, including the Holy Koran, therefore takes precedence and overrides any conflicting provisions of positive law.

(2) Freedom of association

33. As already explained in our fifth, sixth and seventh reports, this right is not exercised in the country at the present time due to the fact that our projects, companies and institutions are still in the early stages of their development and employ only a small number of persons. Moreover, the prevailing feeling among workers is that there is no need to establish trade unions and federations, particularly since the labour legislation has established consultative committees for the promotion of cooperation between employers and employees, as well as committees for the settlement of disputes arising between the two parties (arts. 66 and 67 of the Labour Act No. 3 of 1963). With a view to the achievement of the fundamental objective of the establishment of trade unions and workers' associations, namely the protection of workers' rights, in 1962 the State established the Labour Court, which is solely competent to hear disputes arising between workers and their employers. This Court was established under the terms of Act No. 4 of 1962, article 17 of which explicitly stipulates that: "The judge shall be independent and, in his administration of justice, shall be subject to no authority other than that of the law". Proceedings concerning labour disputes are brought before the Court in accordance with its Code of Procedure, which was promulgated in Act No. 5 of 1962.

34. The State of Qatar is therefore among the countries which have established a judicial body specialized in labour affairs in order to safeguard the rights of workers.

(3) Is prevention of racial discrimination included as a subject in educational curricula?

35. As mentioned in our fifth, sixth and seventh reports, the Ministry of Education of the State of Qatar issues periodic directives to all the State and private schools, instructing them to celebrate Human Rights Day, to familiarize their students with the international endeavours that are being made to protect and promote human rights, human dignity and fundamental freedoms, and to condemn racial discrimination and commend the efforts of the United Nations in this regard. The audio-visual information media broadcast programmes and discussions on the Universal Declaration of Human Rights in which they draw attention to the importance of the protection of human rights, which God has exalted in his Holy Book.

(4) The situation of immigrant workers from the standpoint of the possibility of bringing their families with them and the existence of any limits or restrictions on their rights, and the situation of immigrants who enter the country illegally

36. Workers coming to Qatar for the first time usually travel unaccompanied. When they have settled into their jobs, and after the issue of a residence permit and the provision of suitable accommodation for them, they are permitted to send for their families if their circumstances so permit (art. 2 of Act No. 3 of 1963, as amended).

37. However, most of them prefer to leave their families in their countries of origin and visit them during their annual period of leave, or whenever the need arises, so that their children can grow up in their indigenous environment.

(5) Reasons for the disinclination of employers and workers to request the formation of labour or commercial unions or federations

38. A detailed reply to this question has been given in part II of this report and in the fourth periodic report, to which reference can be made in order to avoid repetition.

(6) Are non-Arab lawyers permitted to plead in specific cases before the courts of Qatar?

39. Non-Arab lawyers are not permitted to plead before the courts of Qatar, since article 1 of Act No. 20 of 1980, regulating the legal profession, restricts the exercise of this profession to jurists listed in the permanent or provisional rolls of lawyers. Under articles 2 and 3, inclusion in the permanent roll is restricted to Qataris and inclusion in the provisional roll is restricted to non-Qatari Arabs. However, under article 15, lawyers who are not registered in Qatar may be appointed by litigants to plead before the courts of Qatar in particular cases, subject to the following conditions:

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(a) The lawyer thus appointed must be an Arab national licensed to practise law in his country;

(b) He must work in collaboration with a lawyer entered in either the permanent or the provisional roll in Qatar;

(c) Special permission must be obtained from the Minister of Justice;

(d) Such treatment can be granted only on a reciprocal basis.

40. This obviously does not constitute discrimination in favour of Arab lawyers. The purpose of this regulation is to further the interests of litigants since, in addition to familiarity with Arabic, which is the official language of the country, such lawyers are also acquainted with Arab practices, customs and traditions. Moreover, there is a considerable similarity between the laws in force in the various Arab countries and it is therefore fairly easy for this category of lawyers to obtain a sound grasp of the law applicable in the State of Qatar. This type of regulation is applied in a large number of other countries, particularly those whose circumstances are similar to those of the State of Qatar.

(7) Measures taken by the State to make the population more aware of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, the Charter of the United Nations and the Universal Declaration of Human Rights

41. A detailed reply to this question has already been given in part II of this report, to which reference can be made in order to avoid repetition.